UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,763	11/10/2003	Matt Clark	109927-135180	4383

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EXAMINER
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ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/705,763	CLARK ET AL.
	Examiner	Art Unit	
	Chuck Huynh	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 March 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   The Art Unit location of your application in the USPTO has changed. To aid in

correlating any papers for this application, all further correspondence regarding this

application should be directed to Art Unit 2617.

Response to Arguments

1.   Applicant's arguments with respect to claims 1-15 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Objections

2.   Claim 14 and 15 are objected to because of the following informalities:

Regarding multiple depending claims 14 and 15, it is suggested that Applicant

amend the language of "...of any of Claims 1-13" to "of any **one** of Claims 1-13".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding the amended claims 1 and 13, due to the vagueness of the claim

language, it is uncertain to what a first and second portion of the service request

actually performs. Therefore, the first portion is interpreted to be requesting a service

from the service provider (in this case the middleware service provider [0019]), which

provides the service of directing the client's specific service request to a service vendor

for servicing.

Further regarding claim 1, it is unclear if "a first and second service response" of

lines 4 and 11 are the same or different.

Claims 2-12, and 14-15 are dependent from above. Therefore, they contain the

same problems outlined above.

Claim Rejections - 35 USC § 101

5.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

Claim 15 is rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claim 15 shall require a computer readable

medium and a program to be executed within the computer medium for it to be

statutory.

Regarding claim 15, it is relating to non-statutory matter; even though the claim

specifies a "computer executable instructions" (interpreted as a program), the claim

language does not specifically specify a computer readable medium (as done in claim

14), instead, only claiming a computer system having a processor and a memory.

Therefore, it pertain to non-statutory subject matter.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7.   Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Cline et

al. (hereinafter Cline).

Regarding claim 1, Cline discloses a computer implemented method of handling

a data service request from a client device, the method comprising:

receiving by a server, a data service request from the client device (Page 1-2, [0012], [0015] – [0020]);

determining by the server, a first and a second service response to a first and a second portion of said data service request and a first and a second vendor correspondingly providing said first and said second service response, said first and second portions being different portions of said data service request (Page 1-2, [0017] – [0020]);

communicating said first and second portions of said data service request from the server to said first and second vendors, respectively, in accordance with an application programming interface (API) prescribed by the

Server (Page 2, [0019]);

processing by the server, a first and second service response supplied by the first and second vendors respectively, to create a solution set (is interpreted as providing a request service) for said data service request (Page 2, [0018-0019], [0027-0028]; Fig. 1); and

communicating said solution set from the server to the client device (Page 2, [0018-0019], [0027-0028]; Fig. 1).

Regarding claim 2, the method of Claim 1, wherein said solution set comprises a dynamically generated request for additional information (Page 1, [0016]; the form in Fig.1, no.134).

Regarding claim 3, the method of Claim 1, wherein at least one of said processing of said first or second vendor supplied response comprises applying a predetermined solution template (XML templates or XSLT: Page 1-2, [0017], [0019]).

Regarding claim 4, the method of Claim 3, wherein said predetermined solution template is an XSLT (Page 1-2, [0017], [0019]).

Regarding claim 5, Cline does disclose the method of Claim 1, wherein said service request comprises a plurality of concepts ('concepts' is interpreted as requested specified data indicated by client Page 1, [0016, 0017]).

Regarding claim 6, Cline discloses the method of Claim 1, wherein said service request comprises command selected from a solution set previously provided to the client device (service directory [0022]; list of services [0025])

Regarding claim 7, Cline does disclose the method of Claim 6, wherein said command is a selected from one the group consisting of submit concepts, accept, reserve, purchase, cancel, do, get info request, get info, get status, get concepts, check health, and acknowledge response (purchasing, Page 2, [0025]).

Regarding claim 8, Cline discloses the method of Claim 1, wherein either said

first or second vendor supplied response is of a predetermined response type (a base

schema with a common service vocabulary; Page 1, [0017]).

Regarding claim 9, Cline discloses the method of Claim 8, wherein said

predetermined response type is a selected one from the group consisting of: search,

accept, reserve, purchase, cancel, status, info request, info, concepts, message, health,

and acknowledge reply (status, Page 2, [0018]).

Regarding claim 10, Cline discloses the method of Claim 1, wherein either said

first or second vendor supplied response comprises at least one of a result, transaction

data, message, dynamic concepts, info request, and auxiliary message (Page 2, [0018],

Page 1, [0015]).

Regarding claim 11, Cline discloses the method of Claim 1, wherein said solution

set comprises a plurality of elements selected from html files, custom menus, custom

buttons, calendar information, favorites information and text information (this is

interpreted to be the server initiating a response according to the client's requested

information and based on client's provided information (Page 1, [0017]).

Regarding claim 12, Cline discloses the method of Claim 12, further comprising updating a local application data structure with at least one of said elements (Page 2, [0017], [0027]).

Regarding claim 13, Cline discloses the method of Claim 1, further comprising:

receiving by said server, a data service command from the client device (Page 1, [0016]; Page 1-2, [0012], [0015] – [0020]);

determining by the server, a first and second service response to a first and second portion of said data service command and a first and second vendor to respond to said first and second portions of said data service command (Page 1-2, [0017] – [0020]);

communicating said first and second portions of said data service command from the server to said first and second vendors, respectively, in accordance with an application programming interface (API) prescribed by the server (Page 1-2, [0017] – [0020]);

processing by the server, a first and second vendor supplied response to create a solution set for said data service command (Page 2, [0018-0019], [0027-0028]; Fig. 1); and

communicating said solution set from the server to the client device (Page 2, [0018-0019], [0027-0028]; Fig. 1).

Regarding claim 14 it is inherent within Cline's disclosure to include a computer readable medium containing computer executable instructions for performing the actions of the method of any of Claims 1-13.

Regarding claim 15, it is inherent within Cline's disclosure that a computer system having a processor and a memory coupled to the processor containing computer executable instructions operative to perform the actions of the method of any of Claims 1-13.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Devarakonda; Murthy et al. (US 6757729) discloses a Virtual environment manager for network computers

Baer; William J. et al. (US 6366916) discloses a Configurable and extensible system for deploying asset management functions to client applications

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Huynh whose telephone number is 571-272-7866. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Chuck Huynh

ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER